

July 1, 2011

Regulation Package # 0210-02

CDSS MANUAL LETTER NO. CWS-11-02

TO: HOLDERS OF THE CHILD WELFARE SERVICES MANUAL, DIVISION 31

Regulation Package # 0210-02

Effective 7/2/11

Sections 31-002, 31-075, 31-206, 31-320, 31-505, and 31-510

This manual letter has been posted on the Office of Regulations Development website at <http://www.dss.cahwnet.gov/ord/PG603.htm>.

Currently, foster children should be visited at least monthly by a social worker. However, some foster children who are in long term foster care, placed with relatives, guardians, or non-related extended family members can be granted exceptions to monthly visitation due to the stability and longevity of the placement. In addition, children placed with foster family agencies (FFA) are often exempted from monthly visits by a county caseworker due to the frequent visits of the FFA caseworker.

The federal government passed the Child and Family Services Improvement Act of 2006 [Public Law (PL) 109-288], which set forth new guidelines related to monthly visitation by social workers. In passing the Act, it was noted by Congress that there was a strong correlation between frequent caseworker visits with foster children and positive outcomes for these children, such as timely achievement of permanency and other positive indicators of child welfare. PL 109-288 required that states visit each and every foster child in placement once a month. If the state is not in 90 percent compliance with this new mandate by 2011, fiscal penalties will be levied.

These regulations include the requirement that foster children be visited monthly with a majority of those visits occurring in the child's home. The regulations also clarify who is qualified to visit a child and what that visit should include.

These regulations were considered at the Department's public hearing held on November 17, 2010.

FILING INSTRUCTIONS

The attached pages are to be entered in your copy of the Manual of Policies and Procedures. The latest prior manual letter containing Child Welfare Services Manual changes was CWS-11-01.

<u>Page(s)</u>	<u>Replace(s)</u>
17 and 18	Pages 17 and 18
33 and 34	Pages 33 and 34
35 and 36	Pages 35 and 36
70 and 71	Pages 70 and 71
72 and 73	Pages 72 and 73
83 through 87	Pages 83 through 88
110.7 through 111.2	Pages 110.7 through 111.1
114 through 115.2	Pages 114 through 115.2
118 and 119	Pages 118 and 119

Attachment

KJ

31-002	DEFINITIONS (Continued)	31-002
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- (t) (1) "Teaching and demonstrating homemaker" means a person who provides homemaking instruction, through discussion and example, to parent(s)/guardian(s), or other adult(s) fulfilling the parental role, and/or families when parent/guardian functioning can be improved by teaching more effective child care skills and home maintenance. Although this instruction does not include the routine provision of regular homemaker services, teaching and demonstrating homemakers may provide direct child care and home maintenance services incidental to the primary goal of improving parent functioning through demonstrating and teaching the skills required to successfully manage and maintain the home and meet the needs of children in that setting. This instruction is available on a 24-hour basis as resources permit. It does not necessarily have to be provided during the presence of the parent(s)/guardian(s) in the home.
- (2) "Temporary in-home caretaker" means a person who provides temporary care to a child in the child's own home in lieu of out-of-home placement when a parent(s)/guardian(s) is unable to care for the child because of an absence or illness and there is no other caretaker available to provide necessary care. Temporary in-home caretakers do not provide routine, on-going child day care.
- (3) "Therapeutic day services" means nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to children who would otherwise be placed in foster care or who are returning home from foster care.
- (4) "Transitional Independent Living Plan (TILP) for the purposes of the Independent Living Program" means the written service delivery plan, available on the Child Welfare Services/Case Management Services (CWS/CMS) that identifies the youth's current level of functioning, emancipation goals and the specific skills needed to prepare the youth to live independently upon leaving foster care. The plan is mutually agreed upon by the youth and the social worker/probation officer.
- (5) "Transitional independent living plan" means the portion of the child's case plan that describes the programs and services, including employment and savings, as appropriate, based on an assessment of the individual child's skills and abilities, that will help the child prepare for transition from foster care to independent living.
- (6) "Transportation" means conveying a child and/or the child's family from one place to another when mobility is necessary to support a specific case plan, and no other means of conveyance is available.

31-002	DEFINITIONS (Continued)	31-002
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- (u) (1) "Unfounded report" means a report of child abuse, which is determined by a child protective agency investigator to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse, as defined in Penal Code Section 11165.6.
- (v) (1) "Visit" means a face-to-face contact between:
 - (A) A child, the child's family, and/or the child's out-of-home care provider, individually or collectively; **and**, as authorized by MPP 31-320, a social worker, probation officer, foster family agency social worker, or caseworker in another state (who has case management responsibilities for the child under the ICPC); or
 - (B) A child and his/her parent(s)/guardian(s), siblings, grandparents, or others deemed appropriate by the county or juvenile court.
- (2) "Voluntary placement" means a placement described by Welfare and Institutions Code Section 11400(n).
- (3) "Voluntary placement agreement" means the agreement described by Welfare and Institutions Code Section 11400(o).
- (w) Reserved
- (x) Reserved
- (y) (1) "Youth" means, for the purposes of the ILP, children who are at least 16 years of age up to the day prior to their 21st birthday.
- (z) Reserved

NOTE: Authority Cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 300, 300(c), 300(e), 306(b), 309(d) 319, 319(f), 727, 11402, and 16507.5(b) (as amended by AB 1695, Chapter 653, Statutes of 2001), 361, 361.2, 361.2(h), 361.3, 361.3(a)(8), 362.7, 366.22, 366.3(e)(4) and (e)(8), 391, 636.1(c), 706.6(o), 727, 727.2, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 10554, 10850.4, 11100, 11105, 11155.5, 11400(a), 11402, 11404, 11467.1, 16001.5, 16001.9, 16010, and 16501, 16501(a)(3), 16501.1(f)(7), 16503, 16504, 16506, 16506(c), 16507.5(b), 16516.5, 16520, 16521, 17736, and 18951(d), Welfare and Institutions Code; Section 11165 et seq., Penal Code; Section 265, Civil Code; 42 U.S.C. Section 675; Sections 1502, 1502(a)(8), 1522, 1522.06, and 1530.8, Health and Safety Code; 42 U.S.C. 675(5); Sections 7002, 7901, 7911, 7911.1, and 7912, Family Code; Public Law 105-89 (Adoption and Safe Families Act of 1977), and Rule 5.552 of the California Rules of Court.

31-070	STAFF REQUIREMENTS	31-070
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(Continued)

- .13 Remaining emergency response and family maintenance services professional staff shall possess a bachelor's degree in social work or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.
- .14 Bilingual staff shall be available as specified in Manual of Policies and Procedures Chapter 21-100.
- .2 At the beginning of the calendar year, the county shall determine if it meets the requirements specified in Sections 31-070.11, .12, and .13, unless the county has an approved plan pursuant to Section 31-070.21.
 - .21 If the county is unable to meet the requirements specified in Sections 31-070.11, .12, and .13, the county shall:
 - .211 Document the reason(s) for such inability in a written statement to the Department.
 - .212 Submit to the Department for approval a plan specifying the means by which the county plans to meet the requirements of Sections 31-070.11, .12, and .13, and the time frame by which the county expects to obtain compliance.
 - (a) Upon plan approval, the Department shall have the authority to defer the requirements specified in Sections 31-070.11, .12, .13, and .2 for a period up to three years.
 - .22 At the end of the time frame specified in the county's plan, but no more than three years from the date the county submits its plan to the Department, the county shall notify the Department, in writing, of its progress in obtaining compliance.
 - .221 If the county has failed to obtain compliance, the county shall follow the procedures in Section 31-070.21.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501(c) and (e), Welfare and Institutions Code and 45 CFR 1356.21(d).

31-075	CASE RECORDS	31-075
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- .1 The county shall develop and maintain a current case record for each request or referral that requires child welfare services beyond the emergency response protocol specified in Section 31-105.
- .2 Case records shall be retained at a minimum of three years in accordance with Manual of Policies and Procedures Section 23-353.

HANDBOOK BEGINS HERE

- .21 The Department requires case records to be retained more than three years in certain circumstances such as, court orders, audits and/or federal mandates.

HANDBOOK ENDS HERE

- .3 Each case record shall contain at least the following information:
 - (a) A face sheet with identification information regarding the child; family; and placement services provider, if any.
 - (b) Documentation of all contacts with the child, family, or other individuals regarding the child or family. All contacts shall be documented including those made by a social worker employed by a Foster Family Agency, by a probation officer, or by a social worker in another State performing the visit pursuant to the ICPC.
 - (c) Documentation of reasons why a child in out-of-home placement is not placed with sibling(s) and diligent efforts to overcome barriers of placing the siblings together.
 - (1) Documentation of the appropriateness of sibling contact, including unsupervised contact, diligent efforts to overcome barriers of visitation between siblings not placed together, and, if appropriate, a schedule of planned sibling contacts and visits with the child.
 - (d) Documentation of the justification for any exceptions allowed regarding contacts or visits pursuant to Sections 31-320 and 31-325.
 - (e) A copy of the executed Judicial Council waiver of services form if the parent of the child has advised the court that he or she is not interested in receiving family maintenance or family reunification services.

31-075	CASE RECORDS	31-075
	(Continued)	

- (l) For children in out-of-home care, all available health and education reports regarding the child, including, but not limited to, dated documentation of the following:
 - (1) Provision of informational materials regarding the CHDP Program, as specified in Section 40-107.6, and the acceptance or refusal of the CHDP services.
 - (2) Offering of medical/dental transportation and scheduling assistance.
- (m) Any written modifications or prohibitions to the foster parent(s) privilege to give legal consent for the child, if applicable.
- (n) Any written parent/guardian consents required by the Division 31 regulations.
- (o) For children with histories of juvenile court involvement as actual or potential dependents, any documents submitted to or received from the court, including petitions and court reports.
- (p) For children who have been assessed as being seriously emotionally disturbed, the individualized education program designed for the child, if available.
- (q) Any information release(s) signed by the parent(s)/guardian(s) and/or child.
- (r) Any administrative review report recommendations.
- (s) When appropriate, the following forms or equivalent documentation, which have been approved by the Department:
 - (1) Court order to county to detain and/or to place child.
 - (2) Foster Child's Data Record (FCIS).
 - (3) Placement Agreement, Child/Agency.
 - (4) Placement Agreement, Parent/Agency.

31-075	CASE RECORDS	31-075
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(Continued)

- (5) Agency/Emergency Shelter Care Provider Agreement.
- (6) Court order to county relating to the provision of child welfare services to the child and/or family.
- (7) Agency-Foster Parent Agreement.
- (8) Agency-Group Home Agreement.
- (9) Documentation that the foster family home of a relative or nonrelative extended family member meets the approval standards, including documentation of a caregiver assessment, health and safety inspection of the home and all required criminal records clearances.
- (t) Documentation of the reason(s) for the following, when applicable:
 - (1) The child's transfer to another placement location.
 - (2) The child's out-of-county or out-of-state placement.
 - (3) The child's placement in a group home, including the following:
 - (A) A statement of the specific needs of the child which cannot be met if the child resides in a less restrictive environment.
 - (B) A description of the types and modalities of treatment program(s) offered and delivered to the child.
- (u) Documentation of any information provided to the placement services provider and/or respite care provider regarding the child's known or suspected dangerous behavior.
- (v) Documentation of the review and the results of the child's potential for adoption, which shall specify why a child who is not reunified with his/her family is not appropriate for adoption as defined in Welfare and Institutions Code Sections 366.26(c)(1)(A) through (D).

NOTE: Authority Cited: Sections 10553, 10554, 16002, and 16501, Welfare and Institutions Code and Assembly Bill 1695, Section 21. Reference: Sections 319, 361.3, 361.5, and 366.21 (as amended by Assembly Bill 1544, Chapter 793, Statutes of 1997), 366.26(c), 16002, 16501, and Sections 309(d), 319, 361.2, 727, 11402, and 16507.5(b), (as amended by Assembly Bill 1695, Chapter 653, Statutes of 2001), Welfare and Institutions Code; 45 CFR 1356.21(d); and Section 11170(b), Penal Code.

31-206	CASE PLAN DOCUMENTATION	31-206
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- .1 The social worker shall document in the case plan the case plan goal which the social worker has determined as specified in Section 31-201.12 to be appropriate for each child.
- .2 The social worker shall document in the case plan the following information regarding case plan objectives for each person named in the case plan:
 - .21 Measurable, time-limited objectives based on the problems and family strengths identified in the assessment.
 - .211 The social worker shall include specific descriptions of the responsibilities of the parent(s)/guardian(s) in meeting the case plan objectives.
 - .212 Discussion of advisement to the parent(s) that at any time during the child's dependency he/she/they may request adoption counseling and services.
 - .22 The specific services to be provided and the case management activities to be performed in order to meet the case plan objectives and goal.
 - .221 The social worker shall include specific descriptions of the responsibilities of the social worker, other county staff, other individuals, and community agencies in the provision of services and the performance of case management activities.
 - .222 For children in out-of-home care, the social worker shall document the two services tracks identified for children receiving family reunification services.
 - (a) The services to be provided to assist the parents in reunifying with the child as identified in the family reunification services track.
 - (b) The services to be provided and steps to be taken to implement the permanency alternative identified in the case plan if family reunification fails.
- .23 The projected date for completion of case plan objectives and the date child welfare services are to be terminated.
- .24 The schedule of planned social worker contacts and visits with the child and the family in accordance with Sections 31-320 and 31-325.
 - .241 The social worker shall document in the case record the justification for any exceptions to the contact or visit requirements specified in Sections 31-320 and 31-325.

31-206	CASE PLAN DOCUMENTATION	31-206
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- .3 For children receiving out-of-home care, the social worker shall also document in the case plan, the following:
- .31 An assessment of the child's placement needs and a determination and description of the type of home or institution which will best meet those needs.
- .311 If siblings are not placed together, the social worker shall document the diligent efforts to place siblings together and reasons why they were not placed together, if applicable.
- .312 For children placed out-of-county, the rationale for out-of-county placement, and a description of the specific responsibilities of the sending and receiving counties, in accordance with the provisions of Section 31-505.
- (a) When an out-of-state group home placement is recommended or made, the case plan shall document the recommendation of the multidisciplinary team, pursuant to MPP Section 31-066 and the rationale for this particular placement. The case plan shall address what in-state services or facilities were used or considered and why they were not recommended.
- .313 For children placed in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the parent(s) or guardian(s) or out-of-state, the case plan shall specify the reasons why such placement is the most appropriate placement selection and whether the placement continues to be in the best interest of the child.
- .314 For a group home and community treatment facility placement, the case plan shall have a schedule of planned social worker/probation officer monthly visits.
- .315 When a community treatment facility placement is recommended or made, the case plan shall specify the reasons why this placement is the most appropriate placement selection pursuant to Section 31-406.
- .316 For a community treatment facility placement, the case plan shall specify how the continuing stay criteria will be met as specified in Section 1924 of the California Code of Regulations, Title 9, Chapter 11.

31-206	CASE PLAN DOCUMENTATION	31-206
	(Continued)	

- .352 If any of the required health and education information is not contained in the case plan, the case plan shall document where the information is located.
 - .36 A plan which will ensure that the child will receive medical and dental care which places attention on preventive health service through the Child Health and Disability Prevention (CHDP) program, or equivalent preventive health services in accordance with the CHDP program's schedule for periodic health assessment.
 - .361 Each child in placement shall receive a medical and dental examination, preferably prior to, but not later than, 30 calendar days after placement.
 - .362 Arrangements shall be made for necessary treatment.
 - .37 For each youth in placement 16 years of age or older, the case plan shall incorporate the Transitional Independent Living Plan (TILP) as specified in Section 31-236.
 - .38 For each child for whom a dependency petition has been filed, the recommendation that the right of the parent(s)/guardian(s) to make education decisions be limited by the court pursuant to Welfare and Institutions Code Section 361(a), if applicable.
- .4 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination in accordance with Section 31-503.
- .5 The case plan shall be considered complete only if all of the elements specified in Section 31-206 have been documented and the social worker's supervisor has signed and dated the case plan.
 - .51 The social worker may complete a single case plan for the family, provided that the planned services are individually identified for each person named in the case plan.
 - .52 If any of the elements specified in Section 31-206 are not immediately available, the social worker shall document in the case plan the following information:
 - .521 The social worker's attempts to obtain the information.
 - .522 The social worker's plan for obtaining the information including the time frame in which the information is expected to be obtained.

31-206	CASE PLAN DOCUMENTATION (Continued)	31-206
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NOTE: Authority Cited: Sections 10553, 10554, and 16501.1, Welfare and Institutions Code; and Section 17552, Family Code; and Public Law 109-288. Reference: Sections 358.1(e), 361, 361(b), 361.5, 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 16002, 16501, 16501.1(e), and 16507, Welfare and Institutions Code; 42 U.S.C. Sections 675(1) and 677; Sections 7901, 7911, 7911.1, 7912, and 17552, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code; and Public Law 109-288.

31-210	CASE PLAN TIME FRAMES AND ADMINISTRATIVE REQUIREMENTS FOR CHILDREN FOR WHOM A DEPENDENCY PETITION HAS BEEN FILED	31-210
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- .1 Within 30 calendar days of the in-person investigation (i.e., first face-to-face contact) or initial removal, or by the date of the dispositional hearing, whichever comes first, the social worker shall:
 - .11 Complete and sign the case plan as specified in Section 31-206.
 - .12 Explain the purpose and the content of the case plan to the parent(s)/guardian(s) named in the case plan.
 - .13 Request the parent(s)/guardian(s) to sign the case plan as an indication of case plan approval and willingness to participate in service activities.
 - .131 If unable to obtain the signature of the parent(s)/guardian(s) as specified in Section 31-210.13, the county shall nevertheless provide services, but shall document in the case plan the reason(s) for the failure to obtain the signature of the parent(s)/guardian(s).
 - .14 Provide a copy of the completed case plan to the parent(s)/guardian(s).
 - .15 Obtain the signed and dated written approval of the social worker's supervisor on the case plan or the court report.
 - .151 The social worker's supervisor must sign the case plan or the court report in which the case plan is included prior to submission to the court or within 30 days of the initial removal or initial response, whichever occurs first.

31-315	SERVICE-FUNDED ACTIVITIES	31-315
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- .1 Service-funded activities shall be available to children and their families in all phases of the Child Welfare Services program as specifically identified in the child's case plan.
- .2 Service-funded activities shall be provided as necessary to ensure the protection of the child.
- .3 State funding of service-funded activities shall be limited to the amount allocated to each county by the Department from funds appropriated to the Department in the annual Budget Act for the purpose of funding child welfare services.
 - .31 If service-funded activities are available through other public and private sources, the county shall exhaust those sources prior to authorizing the expenditure of state funds appropriated for the purpose of funding child welfare services.
- .4 The range of service-funded activities shall include, but not be limited to, the following:
 - (a) Case management.
 - (b) Counseling.
 - (c) Emergency shelter care, as specified in Section 31-415.
 - (d) Emergency/Temporary in-home caretakers.
 - (e) Therapeutic day services.
 - (f) Teaching and demonstrating homemakers.
 - (g) Parenting training.
 - (h) Substance abuse testing.
 - (i) Transportation.
 - (j) Respite care.

31-315	SERVICE-FUNDED ACTIVITIES	31-315
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- (1) Respite care services shall be provided only when there is a clear understanding of the time at which the parent(s)/foster parent(s) is expected to return to the home or be prepared to accept the child back into the home or to undertake alternative courses of action to arrange for the child's future care.
- (2) Respite care services shall not exceed 72 hours per session.
- (3) Respite care services shall not be provided for the purpose of routine ongoing child day care.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501(a)(1) and (2) and 16501(b), Welfare and Institutions Code.

31-320	SOCIAL WORKER/PROBATION OFFICER CONTACTS WITH THE CHILD	31-320
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- .1 The social worker/probation officer shall arrange for visitation, as determined in the child's case plan, for each child.
- .2 The social worker shall visit the child at least three times in the first 30 calendar days, including the initial in-person response.
 - .21 If the case plan is completed in the first 21 calendar days after the initial removal of the child or in-person response, the social worker shall be permitted to have less frequent visits, up to a minimum of twice in the first 21 calendar days.
- .3 The social worker shall visit each child with an approved case plan who remains in the home at least once each calendar month.
 - .31 The social worker shall be permitted to have less frequent visits, up to a minimum of once every two months, only if all the following criteria are met and written supervisory approval has been obtained:
 - .311 The child has no severe physical or emotional problems caused or aggravated by remaining in his/her own home.
 - .312 The child is visited at least once a week by a family preservation social worker or public health nurse when such persons are providing services pursuant to the case plan; and there is a verbal or written agreement with any such services provider, documented in the case record, that he/she will provide contact reports to the social worker.
 - (a) The social worker shall ensure that verbal or written reports are received and documented in the case record.

31-320	SOCIAL WORKER/PROBATION OFFICER CONTACTS WITH THE CHILD (Continued)	31-320
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| .4 | The majority of visits with the child in each calendar year shall take place in the child's foster home/placement. |
| .41 | Whenever possible and practicable, the social worker shall visit the child alone and in a quiet and private setting. |
| .5 | The purpose of social worker contact with the child is to assess the safety and well being of the child and to achieve the following objectives: |
| .51 | Verify the location of the child. |
| .52 | Monitor the child's physical, emotional, social, and educational development. |
| .53 | To the extent possible, engage and involve the child and the caregiver in the development of the case plan. |
| .54 | Gather information about the child to identify needed services to be included in the case plan and monitor the effectiveness of those services provided to meet the child's needs. |
| .55 | Ensure the child is able to maintain a relationship with siblings, relatives, and adults who are important to the child. |
| .56 | Assist the child in preserving and maintaining religious and ethnic identity. |
| .57 | Establish and maintain a helping relationship between social worker and child to provide continuity and a stability point for the child. |
| .58 | Solicit the child's input on his/her future and to inform the child as to current and future placement plans and progress, and discuss these plans and progress with the child. |
| .59 | Evaluate and assess the child's educational needs and progress and the potential need for special educational services such as an Individual Education Plan. |

31-320	SOCIAL WORKER/PROBATION OFFICER CONTACTS WITH THE CHILD (Continued)	31-320
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.6 The social worker/probation officer shall do the following for each child with an approved case plan who is placed in out-of-home care with a relative, foster family home, FFA, or a legal guardian:

.61 Visit the child at least once each calendar month.

.611 The social worker shall be permitted to have less frequent visits, no less than necessary to ensure the safety and well being of the child as specified in 31-320.5. In no case shall the visits be less frequent than once every six calendar months, provided the following criteria are met and documented in the case plan, and written supervisory approval has been obtained:

(a) The child has no severe physical or emotional problems caused or aggravated by the placement.

(b) The child has been in the same placement for at least six months and the social worker has determined that the placement is stable.

(c) The child is visited once each calendar month by social worker staff of a foster family agency provided they meet the minimum qualifications at Title 22, Section 88065.3 and are providing services pursuant to a case plan. A written placement agreement shall be required between the foster family agency and the county and documented in the case record.

(d) The social worker shall ensure that at least one written report of a visit is received each calendar month and documented in the CWS/CMS case record.

.612 The social worker shall be permitted to have less frequent visits, up to a minimum of once every six consecutive calendar months if the child is receiving permanent placement services, is in placement with a legal guardian, and dependency has been dismissed or the child has never been a dependent.

.613 If the child is placed in a group home, whether in-state or out-of-state, or a community treatment facility, the social worker/probation officer shall visit the child at least once each calendar month, with at least a two-week time frame between visits and document the visits in the child's case plan.

31-320	SOCIAL WORKER/PROBATION OFFICER CONTACTS WITH THE CHILD (Continued)	31-320
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| | .7 | The minimum visitation requirements by the county social worker/probation officer are not applicable under the following circumstances: |
| | .71 | The child has an approved case plan, is a dependent or ward of the court and either: |
| | .711 | The child's whereabouts are unknown and the court has been informed. The county social worker/probation officer must attempt to locate the child and document those attempts in the case record. The social worker must confirm and document in the child's case record that the child's whereabouts are unknown once every 30 days from the date of the initial discovery, or |
| | .712 | The child is residing out of state in a relative, guardian or foster family home under the provisions of the Interstate Compact on the Placement of Children, is receiving services from the receiving state, and the receiving state is providing written or verbal reports to the social worker that are documented in the case record. |

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: 42 U.S.C. Sections 675 and 677; Sections 4094, 4094.5, 4094.6, 4094.7, 5585.58, 5600.3, 10553, 11008.15, 11155.5, 16501(a), 16501.1(b), (d), and (f)(4), 16504, and 16516.5, Welfare and Institutions Code; Sections 7901, 7911 and 7911.1, Family Code; and Sections 1502 and 1502(a)(8), Health and Safety Code.

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31-502	CHILD FATALITY REPORTING AND DISCLOSURE REQUIREMENTS	31-502
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- .47 All case records shall be retained as described in Sections 31-075.2 through .21. The county is not required to retain case record documents beyond any date otherwise required by law.
- .48 The county is not required to obtain documents that are not within the child's case record as defined in MPP Section 31-002(c)(5).

NOTE: Authority cited: Sections 10553, 10554, and 10850.4, Welfare and Institutions Code. Reference: Penal Code Sections 11165.12, 11166, and 11169; 42 USC 5106; 45 CFR 1340.15(b), and Sections 827, 4903, and 10850.4, Welfare and Institutions Code.

31-503	CHILD SUPPORT REFERRAL REQUIREMENTS	31-503
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- .1 For a child receiving AFDC-FC in accordance with Welfare and Institutions Code Section 11400, the social worker shall determine whether it is in the child's best interest to make a referral to the local child support agency.
- .11 In making this determination, the social worker shall evaluate each case on an individual basis considering the best interests of the child and the circumstances of the family, which may include but are not necessarily limited to, the parent(s)' employment status, housing status, the impact on other children who may be at risk of removal, availability of community-based services, efforts to reunify, whether parental rights have been terminated, connection with CalWORKs or other public assistance programs.
- .111 If the child's case plan goal is family reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the reunification plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk of removal.

31-503	CHILD SUPPORT REFERRAL REQUIREMENTS	31-503
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(Continued)

- .112 If the child's case plan goal is other than reunification, the social worker shall consider whether the payment of support by the parent will pose a barrier to a successful outcome of the case plan in that the payment of support will compromise:
 - (a) The parent's ability to meet the requirements of the case plan if the child's case is referred to the local child support agency.
 - (b) The parent's ability to meet the current or future financial needs of the child if the child's case is referred to the local child support agency.
 - (c) The parent's ability to meet the needs of other children in the household who may be at risk or removal.
- .2 If the social worker determines it is in the best interest of the child not to refer the parent(s) to the local child support agency, the social worker shall forward his or her determination to the appropriate county eligibility worker for appropriate action.
- .21 The social worker shall review this decision following each court hearing held under Welfare and Institutions Code Section 361.5.
 - .211 If reunification services are terminated by the court, and the social worker determines that it is no longer contrary to the child's best interest, the social worker shall inform the appropriate county eligibility worker to refer the child's case to the local child support agency.
- .3 The social worker shall document in the child's case file the determination of whether it is in the best interest of the child to refer the child's case to the local child support agency and the basis for this determination.
- .4 When a determination has been made that it is not contrary to the best interest of the child to refer the child's case to the local child support agency, the social worker shall notice the parent that the parent has access to the grievance procedures set forth in MPP Section 31-020, provided the parent appeals the agency's decision in writing within 5 working days of their receipt of the notice.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 17552 Family Code. Reference: Section 17552, Family Code.

31-505	OUT-OF-COUNTY PLACEMENTS	31-505
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- .1 Out-of-county placements shall be subject to the provisions of Welfare and Institutions Code Sections 361.2(f) and (g).

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- .11 These statutes provide that children shall be placed in their parents' or guardians' county of residence unless they are placed with relatives or there is no suitable placement in such county, and provide for a notification process to parent(s) or guardian(s).

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- .12 Under such circumstances, the following requirements shall be met:

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(Continued)

- .121 The sending county shall be responsible for providing direct supervision and services or arranging for the provision of supervision and services by the receiving county in accordance with Section 31-505.123.
 - (a) The sending county shall specify in the case plan how the service needs of the child, including social worker visitation/contact requirements, are to be met while the child is placed out-of-county.
- .122 The sending county shall be responsible for services to the child's parent(s)/guardian(s) and continued case plan updates.
- .123 If the receiving county accepts responsibility for providing supervision and services, the following requirements shall be met:
 - (a) A written agreement shall be executed between the receiving and sending counties which specifies the respective responsibilities of each county.
 - (i) These responsibilities include, but are not limited to, complying with monthly visitation requirements as specified in 31-320.
 - (b) The receiving county shall provide quarterly written reports to the sending county on the child's condition and progress in order to facilitate required case plan updates. The quarterly written reports shall also document all social worker visits conducted with the child.
 - (c) The receiving county shall concur that the proposed placement meets the child's needs.
 - (d) The sending county shall provide consultation and advice on the case, as needed.
 - (e) The receiving county shall document all social worker visits with the child in the CWS/CMS system on a monthly basis.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 361.2(c) and (d), Welfare and Institutions Code.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .37 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.
 - .38 To report change in placement status:
 - .381 The California sending agency shall complete Form ICPC 100B (Rev. 10/91), Interstate Compact Report on Child's Placement Status, and forward two copies to the appropriate public authority in the receiving state under the following circumstances:
 - (a) When there is a change in the placement status of the child.
 - (b) When placement is terminated by adoption decree.
 - (c) When there is any other significant change in plans for the child.
 - .39 As specified in 31-075.3(b), the California sending agency shall document all visits in CWS/CMS reported and made to a California child by caseworkers in the receiving state performing visits pursuant to the ICPC.
- .4 Procedures for Out-of-State Group Home Placements and the ICPC. The ICPC shall be applicable between member states under any of the following circumstances:
- .41 When an agency or court in a member state wishes to place a child, for whom it holds legal custody or placement responsibility in another member state, the California social service agency or probation department shall comply with the provisions of Family Code Sections 7900 through 7912 when placing a child out-of-state and in a:
 - .411 Group home.
 - .412 Childcaring institution.

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- .413 The multidisciplinary teams shall provide an assessment and placement recommendation pursuant to Family Code Sections 7911 and 7911.1 and further described in Section 31-066 of this manual.
- .414 The social worker/probation officer shall make a request to the multidisciplinary team only after in-state alternatives have been considered and are found not to meet the child's needs. The local agency shall document in the case plan the alternatives to out-of-state group home placement that were considered or used and the reasons why they were rejected or did not meet the best interests of the child.

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31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .42 The social worker/probation officer shall petition the court for a placement order in concurrence with Welfare and Institutions Code Sections 361.2 and 727.1.
- .43 The California sending agency shall complete Sections I, II and III of the Form ICPC 100A (Rev. 10/91), Interstate Compact Placement Request, and shall:
 - .431 Retain one copy in agency files.
 - .432 Forward to the Interstate Compact Administrator, four copies of the Form ICPC 100A, with three copies of applicable court orders, the case plan, summaries of significant information on the child, the county multidisciplinary team placement recommendation, and the financial and medical services plan, including information of the eligibility of the child for federal Title IV-E assistance.

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- .433 The address for the ICPC Compact Administrator is the California Department of Social Services, Out-of-State Placement Policy Unit at: 744 P Street, M.S. 19-78, Sacramento, CA 95814.

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- .434 Any agreements entered into by the California sending agency and the receiving state agency regarding the provision of services and the respective responsibilities of each state agency shall be approved and signed by the sending and receiving state agencies prior to placement out-of-state in accordance with the Family Code.
 - (a) When entering into agreements, the provisions of Family Code Section 7911.1(a) shall be met. These agreements shall specify the authority of CDSS to investigate any threat to the health and safety to a child placed in an out-of-state group home. Included is the authority to interview children or staff in private or review the child's file and the requirement that all complaints be reported to the California Compact Administrator.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- .435 Placements into out-of-state group home facilities can only be made when the facility is certified pursuant to Family Code Sections 7911.1(c) and (i) which state, in part:
- "(c) By August 18, 1999, CDSS shall certify that the out-of-state group home meets all licensure standards required of group homes operated in California."
- "(i) Only an out-of-state group home authorized by the Compact Administrator to receive state funds for the placement by a county social services agency or probation department of any child in that out-of-state group home shall be eligible for public funds pending the department's certification."
- .436 Pursuant to Family Code Section 7912(b), the Compact Administrator may temporarily suspend any new placements in an out-of-state group home, or a period not to exceed 100 days, pending the completion of an investigation regarding a threat to the health and safety of California children in care.

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- .44 The California sending agency shall not send a child out-of-state until it has received approval from the California Interstate Compact Administrator and the receiving state ICPC Unit.
- .45 Prior to placement, the California sending agency shall assure that a financial plan has been developed for the child and that the receiving state has agreed with the plan in writing. Nothing in this section shall be construed as providing entitlement to public social services or aid payments for which the child is not otherwise eligible.
- .46 When the Form ICPC 100A (Rev. 10/91) is approved by the receiving state ICPC Administrator, the California sending agency arranges for the physical transfer of the child and, when placement is made, completes four copies of Form ICPC 100B (Rev. 10/91) Interstate Compact Report on Child's Placement Status, and forwards three copies to the CDSS Interstate Compact Administrator.
- .47 The California sending agency shall cooperate with the receiving agency in ongoing case planning for the duration of placement.
- .48 If the California sending agency is placing a child into another group home, out-of-state procedures in Section 31-510.4 are to be followed and Form ICPC 100B (Rev. 10/91) Interstate Compact Report on Child's Placement Status, completed and three copies forwarded to the CDSS Interstate Compact Administrator, reporting the change in placement.
- .49 As specified in 31-075(b), the California sending agency shall document in CWS/CMS all visits made to a child by the California agency to the out-of-state group home pursuant to Welfare and Institutions Code Section 16501.1(f)(4) and MPP 31-320.613.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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- | .5 Procedures for children entering California are as follows:
 - | .51 The California receiving agency shall comply with the provisions of Family Code Sections 7900 through 7909.

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- | .52 The ICPC suggested procedures require that the sending state's appropriate public authority forward to the California receiving agency:
 - | .521 Four copies of the signed Form ICPC 100A (Rev. 10/91).
 - | .522 Two copies of applicable legal documents such as court orders, and summaries of significant information on the child to be placed and the prospective foster or relative family.

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- | .53 Upon receipt of a Form 100A (Rev. 10/91) from the sending state's appropriate authority, the California receiving agency shall complete a home study with a recommendation on the suitability of the placement plan. A home study shall be required for every proposed placement and shall be made to assess the following:
 - | .531 Amount of supervision available from the California receiving agency.
 - | .532 Ability of the community or area of proposed placement to meet any special needs of the child.
 - | .533 Parental capabilities and problems if the plan involves movement as a family unit.
 - | .534 Appropriate information concerning the family with whom placement is to be made.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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.7 Visits

- .71 A visit is not a placement (see Family Code Section 7901, Article 2(d)) within the meaning of the Interstate Compact on the Placement of Children. Visits and placements shall be distinguished on the basis of purpose, duration and the intention of the person or agency with responsibility for planning for the children as to the child's place of abode.
- .72 The purpose of a visit shall be to provide the child with a social or cultural experience of short duration, such as a stay in camp or with a friend or relative who has not assumed legal responsibility for providing child care services.
- .73 A visit for 24 hours or longer shall involve the provision of some services in the nature of child care by the person or persons with whom the child is staying. The provision of these services shall not, of itself, alter the character of the stay as a visit.
- .74 If the child's stay is intended to be for no longer than 30 days and if the purpose is as described in Section 31-510.72, it will be presumed that the circumstances constitute a visit rather than a placement.

31-510	INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN (ICPC) (Continued)	31-510
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| <p>.75 A stay or proposed stay of longer than 30 days shall be considered a placement or proposed placement; except a stay that begins and ends within the child's vacation from school, as determined from the academic calendar of the school, may be considered a visit even if longer than thirty days. Such visits may not be extended beyond the school vacation period.</p> <p>.76 A visit shall not be extended or renewed beyond 30 days.</p> <p>.77 If a stay does not from the outset have an express terminal date, or if its duration is not clear from the circumstances, it shall be considered a placement or proposed placement and not a visit.</p> <p>.78 If a request for a home study or agency supervision is made by the person or agency which sends or proposes to send a child on a visit, such request shall conclusively establish that the intent of the stay or proposed stay is a placement and not a visit.</p> <p>.8 Required forms include the following:</p> <p>.81 Interstate Compact Placement Request, Form ICPC 100A (Rev. 10/91).</p> <p>.82 Interstate Compact Report on Child's Placement Status, Form ICPC 100B (Rev. 10/91).</p> <p>.9 The California receiving agency shall be responsible for complying with the visit requirements as specified in applicable provisions of the ICPC for all out-of-state children placed in California pursuant to the ICPC.</p> <p>.91 The California receiving agency shall provide the sending state with written supervision reports in compliance with the ICPC.</p> | |
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NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 7900, 7901, 7906, 7911, 7911.1 and 7912, Family Code and Sections 361.2(c), 361.2(d), 361.21, 727.1, 16501.1(f)(4), and 16516.5, Welfare and Institutions Code, Association of Administrators of the Interstate Compact on the Placement of Children Regulation No. 11.

31-515	INDIAN CHILD WELFARE ACT (ICWA) PROVISIONS	31-515
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| <p>.1 When a dependency petition is initiated by the social worker on behalf of a child who is or may be an Indian child the social worker shall:</p> <p>.11 Identify in the petition that the child is or may be an Indian child as defined by the ICWA.</p> <p>.111 To make such a determination, the social worker shall ask the child, his parent or custodian whether the child is or may be a member of an Indian tribe, or whether the child identifies himself/herself as a member of a particular Indian organization.</p> | |
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